



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF REGIONAL OFFICES
SUFFOLK REGIONAL OFFICE

October 16, 2023

Via ECF

Hon. Magistrate Judge Arlene R. Lindsay
United States District Court for the Eastern District of New York
814 Federal Plaza
Central Islip, N.Y. 11722

Re: **McGregor, et al. v. Suffolk County, et al.**
Docket No.: 2:23-cv-01130 (Brown, J.) (Lindsay, M.J.)

Dear Magistrate Judge Lindsay:

This Office represents Dominick L. Chiumento, in his official capacity as Acting Superintendent of the New York State Police. I write to request that Superintendent Chiumento be substituted as a defendant for his predecessor, Steven A. Nigrelli, pursuant to Federal Rule of Civil Procedure 25(d).

Superintendent Nigrelli, the current State defendant in this action, retired from government service effective October 6, 2023. Because Superintendent Nigrelli is sued only in his official capacity, *see* Complaint, ECF No. 1, ¶ 19, the substitution takes place “automatically.” Fed. R. Civ. P. 25(d); *see Williams v. Annucci*, 895 F.3d 180, 187 (2d Cir. 2018). We request that the case caption be amended to reflect Superintendent Chiumento stepping into the role. Plaintiffs have consented to this request, and although we also reached out to the County defendants, counsel is away until October 30, 2023.

We thank the Court for its time and consideration of this request.

Respectfully,

/s/ *Patricia M. Hingerton*

Assistant Attorney General

cc: Counsel for all Parties via ECF